

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

QISSIYS ISLAM,

Petitioner,

v.

9:13-CV-0854
(GTS/TWD)

NEW YORK STATE BOARD OF PAROLE,

Respondent.

APPEARANCES:

QISSIYS ISLAM, 15-B-2846
Petitioner, *Pro Se*
Wyoming Correctional Facility
P.O. Box 501
Attica, New York 14011

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for Respondent
120 Broadway
New York, New York 10271

GLENN T. SUDDABY, Chief United States District Judge

OF COUNSEL:

LISA E. FLEISCHMANN, ESQ.
Assistant Attorney General

DECISION and ORDER

Currently before the Court, in this habeas corpus proceeding filed by Qissiys Islam (“Petitioner”) pursuant to 28 U.S.C. § 2254, is a Report-Recommendation by United States Magistrate Judge Thérèse Wiley Dancks recommending that Petitioner’s Petition be denied and dismissed as moot. (Dkt. No. 15.) Petitioner has not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing all of the papers in this action, including Magistrate Judge Dancks’ thorough Report-Recommendation, the Court can find no clear error in that Report-

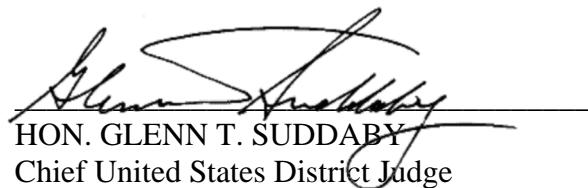
Recommendation.¹ Magistrate Judge Dancks has employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 15.) As a result, the Court accepts and adopts the Report-Recommendation in its entirety for the reasons stated therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 15) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that Petitioner's Petition (Dkt. No. 1) is **DENIED** and **DISMISSED** as **moot**; and it is further

ORDERED that a certificate of appealability not issue with respect to any of the claims set forth in the Petition as Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

Dated: July 15, 2016
Syracuse, New York



HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).